

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CALEB BARNETT, <i>et al.</i> , Plaintiffs, vs. KWAME RAOUL, <i>et al.</i> , Defendants.	Case No. 3:23-cv-209-SPM ** designated Lead Case
DANE HARREL, <i>et al.</i> , Plaintiffs, vs. KWAME RAOUL, <i>et al.</i> , Defendants.	Case No. 3:23-cv-141-SPM
JEREMY W. LANGLEY, <i>et al.</i> , Plaintiffs, vs. BRENDAN KELLY, <i>et al.</i> , Defendants.	Case No. 3:23-cv-192-SPM
FEDERAL FIREARMS LICENSEES OF ILLINOIS, <i>et al.</i> , Plaintiffs, vs. JAY ROBERT “JB” PRITZKER, <i>et al.</i> , Defendants.	Case No. 3:23-cv-215-SPM

**UNOPPOSED MOTION FOR EXTENSION OF TIME**

Defendant Brendan Kelly, in his official capacity as Director of the Illinois State Police, by and through his attorney, Kwame Raoul, Attorney General of the State of Illinois, moves pursuant to Federal Rule of Civil Procedure 6(b) for a 30-day extension, up to and including February 20, 2024, of the deadline to respond to the *Langley* Plaintiffs’ motion for summary judgment on Fifth Amendment issues (ECF 133),<sup>1</sup> and states as follows:

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<sup>1</sup> All references are to the *Barnett* docket unless otherwise specified.

1. On January 13, 2023, the *Langley* Plaintiffs filed this action in Crawford County, Illinois alleging their Second, Fifth, and Fourteenth Amendments rights are violated by the Protect Illinois Communities Act (the “Act”), Public Act 102-1116, and on January 23, 2023, Defendant Kelly removed this case to federal court. *Langley* ECF 1; 1-1.

2. Three similar actions were filed on January 17, 2023 and January 24, 2023, and on February 24, 2023, the *Langley* action was partially consolidated with these three similar actions. ECF 32. All Plaintiffs had moved for a preliminary injunction to enjoin how the Act regulated assault weapons and large capacity magazines, alleging it violated the Second Amendment. With the parties’ agreement, the Court stayed litigation of the other claims to focus the parties’ efforts on resolution of the Second Amendment claims. *Id.* at 2–3 n.1.

3. On April 28, 2023, the Court issued a preliminary injunction (ECF 101) based on plaintiffs’ Second Amendment claims, which was later vacated by the Seventh Circuit on appeal. *Bevis v. City of Naperville*, 85 F.4th 1175 (7th Cir. Nov. 3, 2023).

4. While the appeal was being briefed and the Court’s stay was in place, on May 19, 2023, the *Langley* Plaintiffs filed a partial motion for summary judgment on their Due Process claims, and again sought an injunction. ECF 111. Director Kelly sought to continue the stay on the *Langley* plaintiffs’ Fifth and Fourteenth Amendment claims or, alternatively, set a consolidated discovery schedule on all claims to prevent piecemeal litigation. ECF 112. The Court partially lifted the stay for briefing and limited discovery only to resolve the *Langley* plaintiffs’ Due Process claims. ECF 121. On December 14, 2023, the Court denied the *Langley* Plaintiffs’ partial motion for summary judgment. ECF 132.

5. On December 20, 2023, the *Langley* Plaintiffs filed a second partial motion for summary judgment, this time on their Fifth Amendment claim. ECF 133. The Court’s stay on the

Fifth Amendment claims has not been lifted, but under this Court's Local Rules, Defendant's response is due January 19, 2024.

6. On December 21, 2023, undersigned counsel spoke by phone with the *Langley* Plaintiffs' counsel about Defendant's request for a 30-day extension of time to respond to their second partial motion for summary judgment; **the Langley Plaintiffs do not oppose this request.**

7. Director Kelly respectfully makes this unopposed request for an extension due to pre-scheduled time out of the office for the team working on this case. Undersigned counsel will be out of the office December 26 through January 9, 2024. Upon returning to the office, she has previously scheduled court hearings to attend. The other attorneys assigned to this case similarly have pre-scheduled time out of the office of varying dates, but generally from December 22 through January 5, 2024, and also have preexisting filing deadlines and court hearings scheduled upon returning to the office. Additionally, three holidays occur between now and the deadline to respond (Christmas, New Years, and Martin Luther King, Jr. Day), which will impede the ability to complete a response by the January 19 deadline.

WHEREFORE, for the above and foregoing reasons, Defendant Brendan Kelly requests that this Court extend the deadline to respond to Plaintiffs' partial motion for summary judgment on the Fifth Amendment to February 20, 2024.

Dated: December 22, 2023

Respectfully submitted,

/s/ Laura K. Bautista  
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**CERTIFICATE OF SERVICE**

I certify that on December 22, 2023, I caused a copy of the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification to all counsel of record.

/s/ Laura K. Bautista  
Laura K. Bautista  
Assistant Chief Deputy Attorney General